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# EDUCATION WEEK

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## Justices Weigh Suit Attacking Abortion Limits

### *Illinois Law Mandates 1-Day Wait for Girls*

**By Tom Mirga**

WASHINGTON—A lawyer for the State of Illinois urged the U.S. Supreme Court last week to uphold a state law requiring that physicians notify the parents of minor girls seeking abortions and wait 24 hours before performing the procedures.

The lawyer, Michael J. Hayes, noted that a federal appellate decision overturning a part of the law in May 1985 had cast doubt on the constitutionality of 22 other state laws requiring either parental notification or consent before girls can terminate their pregnancies.

"Other states are confused and unclear," Mr. Hayes said. "They need to know whether the boundaries of the statutes fit within the constitutional framework."

Colleen K. Connell, the lawyer representing the class of doctors and girls who challenged the law, argued that the lower-court proceedings were incomplete and that the Justices therefore should decline to rule on the substantive issues raised in the suit.

But if the Court disagrees with that point, she added, it should vote to strike down the law because it violates girls' due-process right to privacy under the 14th

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**The Ins and Outs Of New Asbestos Rules**

Beginning next month, public- and private-school officials must begin to comply with elaborate new federal rules for inspecting, controlling, and monitoring any asbestos present in school buildings. For information on what to do, and how and when to do it, see pages **10** and **11.**

J. Conrad Williams Jr./Newsday Photo

## Districts Pushed to Financial Brink See States as Lender of Last Resort

**By William Montague**

For school officials in Vermilion, Ohio, the financial roof fell in earlier this year when their largest taxpayer, a nearby Ford Motor Company assembly plant, was declared a "foreign trade zone."

The designation—awarded under a federal program designed to make American firms more competitive in the world market—allowed the automobile manufacturer to exclude its sizable inventory of new cars from the school district's tangible property tax.

The result was a $1.3-million reduction in the district's budget, and an immediate—and unexpected—fiscal crisis.

"We had to cut in every area we could," said Jack D. Hook, the district's superintendent. "We're down 51 employees from where we were a year ago."

But even the most draconian cuts could not balance the school system's books in time to avoid a default. So this fall, Vermilion joined a long line of Ohio districts, 23 in all, that have requested emergency loans

*Continued on Page 13*

## Study Examines Forces Affecting Racial Tracking

### *Findings Drawn From Survey of 173 Districts*

**By William Snider**

A pervasive pattern of disparate treatment for black and white students is documented by an elaborate new analysis of data on 173 large urban school districts.

The research confirms and elaborates upon phenomena that critics of various school "tracking" mechanisms have long pointed to. But it also paints a broader portrait of the relationship between the political participation of blacks and the degree of differential treatment of black pupils in schools.

One of its most significant findings is, for example, that as the proportion of black teachers in a school district increases, the proportion of black students who are assigned to special-education classes, suspended, or expelled decreases.

This phenomenon, which many experts have long suspected but which has not previously been documented on this scale, occurs because "black teachers are probably less willing to decide that a black student is not teachable in a regular classroom," said one of the three authors of the study, Kenneth J. Meier, a professor of political science at the University of Wisconsin at Madison.

The researchers also found that dis-

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## Two Unlike Districts Like 'Collaborative School' Goal

**By Blake Rodman**

Two neighboring school districts in Massachusetts—one urban and the other suburban—are working together on a plan that would meld students from their racially and economically different jurisdictions into one jointly run school.

Under the plan, which has taken shape over the last two years, the Lawrence and Andover school systems would build, staff, and run a 1,200-student elementary school that would be attended on a voluntary basis by students from both communities.

Local and state school officials said last

week that the creation of such a school by an urban and suburban district to foster racial, social, and economic integration would be unprecedented in the state. Nationwide, few, if any, such collaborations have taken place voluntarily, they said.

Currently, local officials are drafting legislation that will enable the districts to legally forge an agreement and pay for the plan, which has been hammered into rough form by nine committees and task forces over the past year.

Whether the plan will move from the drawing board to reality now depends to a large degree on the state legislature.

Normally, the state picks up 90 percent of the costs of new urban schools being built to promote integration; it does not pay for the purchase of the school site.

But because of the unique nature of the collaboration—and because the proposed

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## Districts, Insurers Spar Over Cost of Spec.-Ed. Services

**By Debra Viadero**

SCOTTSDALE, ARIZ.—School systems trying to recoup from insurers some of the staggering costs of providing special services to disabled students are being thwarted, experts said here last week, by the diminishing health coverage available to many handicapped children.

While more and more states and school districts look for ways to tap Medicaid and private insurance for the noneducational expenses of special education, they said, schools continue to shoulder almost exclusively the burden of paying for so-called "related" services, such as physical therapy.

And trends in health-care coverage offer little indication that relief is in sight, they said.

"In education, you have the concept of 'free, appropriate, public education,' for the handicapped," said Josephine Gittler, co-director of the National Maternal and Child Health Resource Center at Iowa State University. "But among health providers, the concept of 'free' services is not accepted and it may even be anathema to some of them."

Ms. Gittler spoke last Tuesday during the

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## Also in the news


**New 'Vision' Charted For Math Instruction**
The National Council of Teachers of Mathematics has set forth in a draft report a "clear statement" of what should be accomplished in K-12 math programs.
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**Early-Childhood Field Gains Political Clout**
Increased attention has convinced experts that the time is ripe for major advances, but they are warning that the opportunity could be lost without better collaboration.
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**Questions Grow for New Nominee to Court**
Lobbyists are voicing concern over Douglas H. Ginsburg's past, including the role he played as a White House official in derailing a proposed ban on asbestos.
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## IN SUMMARY

**Good News in the South**
American-history scores of 11th graders in seven of eight Southern states participating in a new assessment surpassed the national average, while scores for black students tested exceeded those of their black counterparts nationwide. **Page 5.**

**Preparing for the Future**
To cope with new technologies and function effectively in a rapidly changing world, students will need broad knowledge and skills, according to participants in an international forum on the outlook for education in the 21st century. **Page 5.**

**'Ghost Classes' in Vermont**
The state's chief school officer is seeking to revoke the teaching certificate of a former school superintendent for allegedly participating in a "ghost class" scheme to award continuing-education credits to educators for courses never taken. **Page 6.**

**A Matter of Privacy**
Federal officials are questioning a form used by the Baltimore public schools to determine the eligibility of students for Chapter 1 services that requests intimate family data on such matters as income, health, and prison records. **Page 6.**

**Down With 'Urban Chauvinism'**
Declaring they are not a "minority" and claiming that urban schools get the lion's share of federal attention, leaders of two rural-education associations are calling for greater geographic equity in the distribution of federal largesse. **Page 7.**

**Some Won, Some Lost**
In last week's off-year election, voter reaction to school-related issues on state ballots was mixed, with bond issues approved in Maine, for example, but defeated in Washington State, and with Ohio voting to use its lottery to aid education. **Page 12.**

**An Effort To Save School Funds**
As Congressional leaders struggled to find ways to reduce the federal deficit, 113 House members from both parties appealed to their colleagues last week to spare education and training from major budget reductions. **Page 14.**


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# ACROSS THE NATION

## NATIONAL

### Mayors Say Federal Drug Funds Delayed by Tangle of Red Tape

Much of the money appropriated by the Congress last year for local drug-education programs remains tied up in bureaucratic red tape at the state level, according to a report by the U.S. Conference of Mayors.

The report, based on a survey of 42 cities around the nation, concludes that only a small fraction of the emergency funding has actually been spent on programs aimed at preventing drug abuse.

Officials in only 14 of the cities surveyed were aware that federal money was available for anti-drug efforts in schools, a spokesman for the mayors' conference said last week. Of those cities, he said, only five had actually received funding.

According to Michael Brown, the group's spokesman, the five cities have spent a total of about $1 million in federal drug-education funds. An additional $2.3 million has been allocated by state authorities but not yet spent, he added.

As part of an omnibus bill approved in October 1986, the Congress made $200 million available for school-based drug programs this year.

Of that total, about $181 million has been released by the U.S. Education Department, according to a department spokesman.

The president of the conference, Mayor Richard Berkley of Kansas City, Mo., called on federal officials to avoid "a bureaucratic tangle of federal and state checkpoints" by bypassing state governments in the future and transmitting the drug-education aid directly to cities. Any such changes would have to be approved by the Congress, the Education Department spokesman noted.

### U.S. West To Spend $20 Million On 'Educational Excellence' Efforts

U.S. West, one of the seven regional Bell telephone companies, will spend $20 million over the next five years on programs aimed at "ensuring educational excellence at the primary, secondary, and postsecondary levels," company officials have announced.

The money will be used to fund existing reform efforts at both public and private institutions and to encourage partnerships between educators, parents, and business leaders, a spokesman said last week.

U.S. West will also create a fellowship program to reward excellent teachers in areas served by the company, which operates local telephone systems in 14 states in the West and Midwest.

The company will pay the salaries and expenses of three fellowship winners while they spend a year improving their professional skills. Eleven other finalists will receive $5,000 cash awards for professional-development activities.

"We have a tremendous stake in educational excellence in our states," Jack MacAllister, chairman of the board of U.S. West, said in a statement. Mr. MacAllister said the company's interest in education had been heightened during its recent search for a site for a new high-technology research laboratory. As part of that process, he said, four company officials toured all the states in U.S. West's service area.

"We saw a renewed commitment to education wherever we went," Mr. MacAllister said. "We also have a strong desire to help in this educational renaissance."

■ **The number of college freshmen** declined from 1985 to 1986, while overall college enrollment, fueled by an increase in the number of part-time students, rose over that period, according to a new report by the College Board. The board's annual survey of colleges found that freshman enrollment dropped from 2.57 million in 1985 to 2.49 million in 1986, a 3.1 percent decrease, and that freshman enrollment in two-year colleges dropped even more sharply, by 5.2 percent.

Overall undergraduate enrollment increased by 1.2 percent during the same period, the report found, even though full-time enrollment declined slightly. Part-time enrollment increased by 3.3 percent.

## STATES

### Center Formed To Help States Deal With Teen-Age Pregnancy Issues

Six organizations representing state officials last week joined with the American Public Welfare Association to form a national consortium on problems related to teen-age pregnancy.

Described as the first initiative of its kind, the new Center for State Action on Adolescent Pregnancy will provide states with information and referral services, as well as direct technical assistance in setting up programs to deal with the issue. It is expected to begin full operations next fall.

"We believe the state center marks a turning point in our ability to grapple with this complex issue," said Linda A. Wolf, associate director of the Washington-based A.P.W.A. and chairman of the consortium.

Other organizations joining the consortium are the Association of State and Territorial Health Officials, the Council of Chief State School Officers, the Interstate Conference of Employment Security Agencies, the National Association of State Boards of Education, the National Conference of State Legislatures, and the National Governors' Association.

A planning grant for the effort was provided by the Carnegie Corporation of New York and the U.S. Department of Health and Human Services.

■ **Florida public-health officials say they may abandon a plan** to create the first group home for teen-agers carrying the AIDS virus after encountering strong opposition from residents of two communities considered as sites for the home.

State officials proposed establishing such a home in Beach Haven last summer after coming under sharp criticism from civil libertarians for briefly placing a sexually active 14-year-old with AIDS-related complex in a mental institution. When Beach Haven residents objected to the plan, the town of Beulah was chosen as the site last month, but opposition from that community has also been strong.

A spokesman for the state department of health and rehabilitative services said last week that public-health officials were considering alternatives to the group-home concept, including the creation of special foster homes, for adolescents who carry the AIDS virus and are sexually promiscuous.

## *Banishing Balloons, Bouquets, and Belly Dancers*

"It started with one or two singing telegrams," said Marvin G. O'Hare, assistant superintendent of schools in Dubuque, Iowa, "then it began to mushroom."

He was referring to a fad that has resulted in almost daily deliveries of balloons, bouquets, candy—and even a belly dancer—at one city high school, and which has mobilized the principals of other schools to recommend a districtwide policy on the matter.

Students at Hempstead High School began remembering one another's birthdays and special occasions this year with the services of a firm that specializes in such hand-delivered commemoratives.

But, as Donald Moody, the school's principal, told district officials last month, the harmless gesture soon grew to unmanageable proportions. His 1,800-student school was receiving between five and 10 surprise deliveries a week, he said.

Because of the general disruption the practice was causing, Mr. Moody has asked district officials to consider drafting a formal policy on the matter, making a distinction between the occasional delivery of balloons and flowers that might be used as part of school activities and the sometimes exotic surprises ordered up for individuals.

High-school principals in the area are scheduled to recommend such a policy to the school board next month—just in time for the poinsettia season.

—K.G.

Peter Steiner

# WASHINGTON

## Colleges That Fail To Trim Default Rates Will Lose Aid, Bennett Says

By Robert Rothman

WASHINGTON—Calling postsecondary institutions partly responsible for a "disgraceful" increase in student-loan defaults, Secretary of Education William J. Bennett last week warned colleges and proprietary schools to reduce their default rates to below 20 percent by 1990 or risk losing all federal student aid.

Noting that defaults on Guaranteed Student Loans are expected to cost the federal government $1.6 billion in fiscal 1988, Mr. Bennett said at a press conference here that institutions that fail to reach the target "deserve" to lose federal funds.

"We trust that the new policy will lead many institutions to lower their default rate to a level where they will be able to remain in the program," Mr. Bennett said.

"But there are some institutions that will not act to meet this standard," he continued. "Those that do not should not remain in a program designed to promote educational opportunity, not educational default."

Without revenues from federal student aid, many institutions would go out of business, Mr. Bennett said, adding, "I think you are going to see a fairly dramatic change in the landscape in higher education."

But he insisted that "this plan will not deprive any student of a postsecondary education.

"Students can take their student aid and study at the thousands of responsible institutions that exist," Mr. Bennett said. "Indeed, they will be better off doing so."

Loan costs currently represent the third-largest expenditure in the Education Department's budget, according to Senator Claiborne Pell, Democrat of Rhode Island and chairman of the Senate Subcommittee on Education, the Arts, and Humanities.

In a speech to bankers last week, Senator Pell warned that continued growth in the default rate threatened the future of the G.S.L. program.

### Cost of Defaults

Although the rate itself has risen only moderately in recent years, an increase in the volume of loans has substantially boosted the total dollar amount of defaults.

The Administration has stepped up efforts to collect overdue loans from borrowers, and recent Congressional measures have provided incentives for private lenders participating in the program to reduce defaults, Mr. Bennett said. But colleges and other postsecondary schools "bear a responsibility as well," he argued.

Analyzing data from 7,295 postsecondary institutions, department researchers found that 30 percent—or 2,190—had default rates of more than 20 percent in 1986, and 500 had default rates exceeding 50 percent.

The schools with high default rates most typically are community colleges, historically black colleges, and proprietary institutions, such as trade and technical schools.

Under the policy announced last week, which does not require Congressional approval, the department's inspector general will investigate institutions with default rates of more than 50 percent to seek evidence of waste, fraud, or abuse.

In addition, Mr. Bennett said, the department will calculate each institution's default rate in December 1989 and December 1990. Those with rates above 20 percent in 1990, he said, will immediately be subject to limitations on the amount of federal loans they can receive, and to temporary suspension from the loan program or elimination from all federal student-aid programs.

Mr. Bennett has sent a letter outlining the details of the plan to every postsecondary institution participating in the G.S.L. program.

Institutions can take a number of actions to reduce default rates, Mr. Bennett says in the letter.

These include, he writes, "admitting only those students who can benefit from their programs; adopting less punitive refund policies; providing better debt counseling and consumer information to students; sharing information on students and defaulters with lenders and guarantee agencies; and taking steps to improve the outcomes of their programs for students."

### Postsecondary Officials React

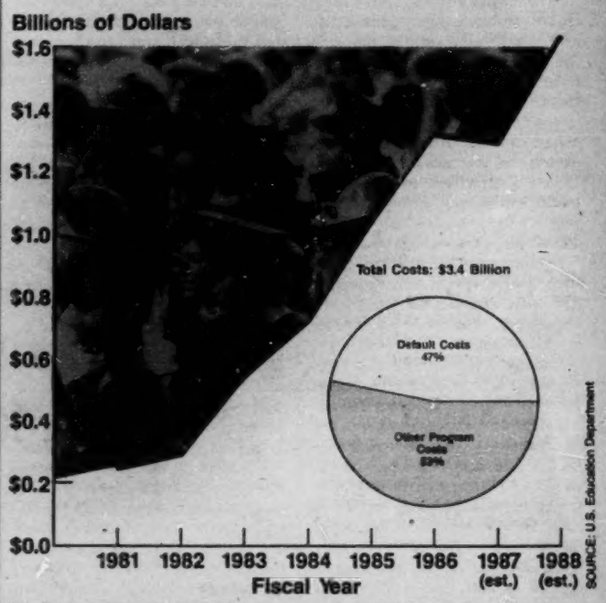
Robert H. Atwell, president of the American Council on Education, said last week he agreed that "institutions need to have some responsibility" in reducing defaults.

"Their role wasn't clear in the past," he said in an interview. "We ought to make it clear in the future."

In an Oct. 28 letter to all college and university presidents, Mr. Atwell urged them to "move aggressively to implement" new federal measures aimed at reducing defaults.

Other postsecondary officials said that while they shared Mr. Bennett's concerns, they had doubts that his new policy would be effective.

**Annual Federal Expenditures for Defaults in the Guaranteed Student Loan Program**




Note: Default costs dropped in fiscal 1987 because the Congress extended the time between delinquency, default declaration, and G.S.L.'s default payment—thus delaying the fiscal year in which the costs are incurred and artificially lowering the 1987 cost levels, according to the department.

"The Secretary still assumes educational institutions can have a significant effect on reducing the default rate," said William C. Clohan Jr., a lawyer for the Association of Independent Colleges and Schools, which represents some 650 for-profit schools that train students in business and health sciences. "I'm not convinced that's the case."

Institutions with high proportions of low-income students, such as proprietary schools and community colleges, are likely to have high default rates, he said, since socioeconomic background is linked to "the propensity of a borrower to default."

Furthermore, he added, under the department's calculations, institutions receive no credit when the federal government recoups defaulted loans. The department last year collected $516 million in defaulted loans, and is expected to collect an additional $656 million this year.

Mr. Clohan said his association and the National Association of Trade and Technical Schools had issued a pamphlet listing activities institutions can undertake to reduce defaults. The associations plan to conduct 50 training sessions this year to help member schools initiate such activities, he said.

## Lobbyists Analyzing Ginsburg's Role in Derailing Asbestos Regulations

By Julie A. Miller

WASHINGTON—Lobbyists scrutinizing Douglas H. Ginsburg's nomination to the U.S. Supreme Court are examining the role he played as a top White House official in derailing a proposed ban on asbestos.

The regulatory change of signals in 1984-85 reportedly affected the Environmental Protection Agency's consideration of proposed school-asbestos rules.

That and other elements of Mr. Ginsburg's record as head of the Office of Management and Budget's information and regulatory-affairs office from July 1984 through September 1985 appear likely to become a topic of debate when the Senate Judiciary Committee opens hearings on his nomination as Associate Justice.

The hearings are not expected to begin before the end of the year.

Senators are also expected to question Mr. Ginsburg closely about his revelation late last week that he had smoked marijuana on several occasions during the 1960's and 1970's.

The disclosure has reportedly upset conservative senators who voted to approve the nomination of Robert H. Bork, President Reagan's first choice for the Court.

Unlike Mr. Bork, who clearly staked out his judicial philosophy in numerous articles and speeches over two decades, Mr. Ginsburg will not offer lawmakers much documentation on his views on the key constitutional issues of the day. Moreover, the handful of majority opinions he has written in his year as a federal appellate judge generally have focused on highly technical matters of antitrust law, in which he previously specialized as an assistant attorney general in the Justice Department.

But his apparent support for shifting rulemaking and enforcement authority from the federal government to the states and the private sector raises "critical questions" about how he would rule on a wide range of issues, said Gary Bass, executive director of O.M.B. Watch, a public-policy group that monitors the budget office's activities.

His views have "tremendous implications for freedom of information, for the question of who pays for what," Mr. Bass said. "Would he argue that there is no [federal] ability to pre-empt state law in areas like civil rights or special education?"

Noting Mr. Reagan's pledge to nominate someone as controversial as Mr. Bork, Ralph G. Neas, executive director of the Leadership Conference on Civil Rights, said, "We have to take the President seriously."

"We are looking very carefully at the judicial philosophy and record of Doug[las] Ginsburg," Mr. Neas said. "If he does not understand the role of the federal courts in protecting individual liberties and does not have a commitment to equal justice under the law, the opposition to him will be as vigorous as the opposition to Bork."

### 'Chicago School'

Before coming to Washington, Mr. Ginsburg taught at the Harvard Law School for eight years. Like Judge Bork, he is identified with what is known as the "Chicago school" of legal thought, which favors reliance on market forces, opposes government regulation, and advocates basing legal decisions on analyses of social costs and benefits.

The O.M.B. office that Mr. Ginsburg headed was created by the Paperwork Reduction Act of 1980, which mandated that O.M.B. review all proposed regulations and require agencies to perform cost-benefit analyses for proposed rules.

During Mr. Ginsburg's tenure there, the office mounted an anti-regulatory campaign that primarily affected environmental and safety standards, including the proposed rules on asbestos.

In 1983 and 1984, the Environmental Protection Agency proposed an outright ban on four types of asbestos products and the gradual restriction of the amount of asbestos produced in the United States. Under pressure from Mr. Ginsburg's office, the E.P.A. withdrew the proposals and shifted the issue of asbestos regulation to other federal agencies.

That decision was reversed after intense public scrutiny and investigations by two Congressional committees.

### Asbestos in Schools

At the time that controversy was raging, the E.P.A. was also considering toughening existing rules that required schools to inspect for asbestos and to notify employees and parents when the substance was discovered. Labor unions, education groups, and others who lobbied for the rules said pressure from O.M.B. was "a critical factor" in derailing the new mandates for schools.

As a result of the O.M.B.'s efforts, the lobbyists alleged, the E.P.A. decided against issuing rules to require schools to remove or contain asbestos when it was found. The Congress mandated such action in a law passed in 1986. *(See page 10.)*

Mr. Ginsburg also oversaw the drafting and implementation of an executive order increasing O.M.B.'s regulatory review powers.

The order requires agencies to submit all intended regulatory activities—including research on possible regulations—to the budget office before the rules are even proposed, and before any public notice. The budget agency then reviews the plans for consistency with Administration "policy and priorities."

According to O.M.B. Watch, Mr. Ginsburg also wrote a policy directive restricting federal agencies' data-collection activities. It ordered agencies to gather only information required by law or "essential to the agency's mission" that does not duplicate information available from other government or private sources.